

IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI

IN THE MATTER OF:  
DOROTHY ANN MAYS

CASE NO. 18-14269

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APPLICATION TO APPROVE COMPROMISE CONTROVERSY

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COMES NOW, Terre M. Vardaman, Chapter 13 Trustee, and files this Application to Approve Compromise Controversy, for and on behalf of Dorothy Ann Mays (the “Debtor”), respectfully shows the Court the following:

1.

The Debtor filed her Chapter 13 Petition on October 30, 2018.

2.

The Debtor had a claim against the Equifax Information Services, LLC for injuries suffered by the Debtor due to the inaccurate reporting on her credit file that she was deceased.

3.

With *nunc pro tunc* approval by this Court, the Debtor employed counsel The Dilorenzo Law Firm, LLC, John C. Hubbard, LLC and Cochrun & Seals, LLC to represent her in the above described claim.

4.

Plaintiff’s Collective Special Counsel was successful in their representation of Debtor. Settlement of the Debtor’s claim has been reached, whereby the settlement award of \$65,000.00 in full and complete settlement of said claim and cause of action.

5.

Plaintiff's Collective Special Counsel, Cochrun & Seals, LLC seeks compensation for professional fees to be awarded in the net amount of \$10,833.33 and reimbursable expenses in the amount of \$854.00; John C. Hubbard seeks compensation for professional fees to be awarded in the net amount of \$10,833.33 and Joel Dilozenzo seeks compensation for professional fees to be awarded in the net amount of \$10,833.34.

6.

That the net balance of the settlement proceeds in the approximate amount of \$31,646.00 shall be distributed to the Chapter 13 Trustee. The Chapter 13 Trustee shall pay an approximate amount of \$15,700.00 to pay the Debtor's secured creditors and pay all timely filed unsecured creditors in full with the balance refunded to the Debtor in the approximate amount of \$15,946.00

7.

The Credit Acceptance claim in the Debtor's bankruptcy case was surrendered to the co-Debtor, Dalaphine Mays. Dalaphine Mays has filed a Chapter 13 bankruptcy case, bearing case number 19-10118, and Credit Acceptance is being paid through the Dalaphine Mays' plan. As a result, Credit Acceptance will not receive any distribution from this settlement.

8.

That by reason of the foregoing, the Debtor's Plan should be modified to provide that the settlement proceeds from the above referenced claim be paid to the Trustee to be disbursed as outlined above, as the settlement is in the best interests of the Debtor and creditors in this case.

9.

That the settlement proceeds, after subtracting the necessary expenses, costs, holdbacks and deductions from the settlement amount, shall be paid to the Trustee.

10.

That the Debtor is authorized to enter into, execute and deliver any and all release documentation required by defendants and any other documents or instruments, if any, necessary or appropriate in order to effectuate the release of claims (the "Release"), and that upon the Release becoming effective in accordance with its terms, all persons and entities, including, without limitation, the Trustee, the bankruptcy estate, the Debtor, and any person or entity claiming, or who could claim, by, through or on behalf of the Trustee, the bankruptcy estate and/or the Debtor, shall be and hereby are deemed to have released all claims and are permanently enjoined from asserting or prosecuting any claims related to arising from the released claims.

11.

A copy of this Application has been served upon the parties listed on the master mailing matrix as constituted by the Court on the date of service.

12.

The Debtor respectfully requests that the Court approve settlement of the above described lawsuit for the sum of \$65,000.00.

Respectfully submitted this the 24<sup>th</sup> day of July, 2019.

Respectfully submitted,

/s/Jeffrey K. Tyree  
Jeffrey K. Tyree, MSB#9049  
STAFF ATTORNEY FOR THE  
CHAPTER 13 TRUSTEE,  
TERRE VARDAMAN  
PO BOX 1326  
BRANDON, MS 39043  
601-825-7663; [jkyree26@gmail.com](mailto:jkyree26@gmail.com)

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I have this day forwarded via U.S. Mail, postage prepaid, or electronically notified through the CM/ECF system, a true and correct copy of the foregoing Application to Approve Settlement to:

Gawyn Mitchell, Esq.  
[gawyn123@gmail.com](mailto:gawyn123@gmail.com)

John C. Hubbard, Esq.  
[johnchubbard@gmail.com](mailto:johnchubbard@gmail.com)

This the 24<sup>th</sup> day of July, 2019.

/s/Jeffrey K. Tyree  
Jeffrey K. Tyree